IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 15446 of 2007(L)

PETITIONER:

P.RAJAN, ADVOCATE, AGED 59,
S/O.PALPU ARAYAN, 29/223-B, HIGHWAY HIGHNESS,
JANATHA ROAD, VYTTILA, KOCHI-19.

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
AROOR POLICE STATION,
AROOR P.O., CHERTHALA.

2. PADMAVATHY AMMA, AGED 67,
W/O.P.THANKAPPAN PILLAI,
KALAPPURACKAL HOUSE, AROOR MURI,
AROOR P.O., CHERTHALA.

R1 BY GOVERNMENT PLEADER SRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 15446 OF 2007

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DATED THIS, THE 13TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner is alleged to have entered into an agreement with the second respondent for purchase of an item of property belonged to her. It is stated that since the second respondent failed to perform her part of the contract, a civil suit was filed by the petitioner before the Sub Court, Cherthala as O.S. No. 56/2007, which is pending. This writ petition is filed alleging harassment by the first respondent at the instance of the second respondent. It is also the case of the petitioner that the first respondent is insisting for withdrawal of the suit filed by the petitioner, which is illegal.

2. The learned Government Pleader, on instructions on behalf of the first respondent, submitted that the second respondent has filed a complaint before the first respondent alleging cutting and removal of trees belonging to her and hence a crime was registered on 31.5.2007. Before registration of the crime, when a complaint was received, in order to ascertain the truth or otherwise, the first respondent called the parties. But the petitioner did not respond ; on the other hand he filed this writ petition.

3. In the view we are taking, it is not necessary to issue notice to the second respondent. We are not entering any finding on the dispute between the parties. All the same, it is to be observed that if there is any civil dispute pending between the parties, there cannot be any interference by the police. At the same time, if a complaint is made alleging involvement of any criminal offence, it is open to the first respondent to investigate the same in accordance with law and if the presence of the petitioner is required, a notice to that effect shall be issued to him.

The writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-